

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION**

Okera Abijah Bohami, <i>formerly known as</i> <i>Henry Leonard McCray,</i>	)	Case No. 9:23-cv-03748-CMC
	)	
Plaintiff,	)	
v.	)	
	)	<b>ORDER</b>
Marcus Rhodes and Nurse Jennifer,	)	
	)	
Defendants.	)	
	)	

Okera Abijah Bohmani (“Plaintiff”), proceeding *pro se*, brings this civil action seeking relief pursuant to 42 U.S.C. § 1983. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(e), D.S.C., the matter was referred to United States Magistrate Judge Molly H. Cherry for pre-trial proceedings.

On November 30, 2023, Plaintiff filed a motion for preliminary injunction. ECF No. 29. Subsequently on March 18, 2024, Defendant Nurse Jennifer filed a motion to dismiss. ECF No. 34. Because Plaintiff is proceeding *pro se*, a *Roseboro* Order was mailed to Plaintiff, advising him of the importance of a dispositive motion and the need to file an adequate response. ECF No. 35. After the court ordered Defendant Jennifer Brown to respond to Plaintiff’s motion for preliminary injunction, Defendant Brown filed a response in opposition. ECF No. 39. Plaintiff did not file a response to Defendant Brown’s motion to dismiss, nor reply regarding the motion for preliminary injunction. The court’s mailing of the *Roseboro* Order was returned to the court as undeliverable, as Plaintiff had been released. ECF No. 40.

Prior to these filings, the court expressed to Plaintiff the need to keep his address updated throughout the course of this case. ECF Nos. 5 at 3 (First Proper Form Order), 12 at 3 (Second Proper Form Order), 18 at 2 (Third Proper Form Order), 25 at 2 (*Roseboro* Order). Despite these

warnings, Plaintiff did not comply with the court's instructions or otherwise notify the court of his address change when he was released from custody. As noted above, nor did he file a response to Defendant Brown's motion to dismiss.

On April 24, 2024, the Magistrate Judge entered a Report recommending this action be dismissed for failure to prosecute and that the pending motion for preliminary injunction be terminated as moot. ECF No. 41. The Report specifically noted the Clerk was to mail the Report to Plaintiff at his last known address. *Id.* at 3. If Plaintiff provided a current address and filed a response to the motion to dismiss prior to expiration of the deadline, the Clerk was directed to vacate the Report and return the file to the Magistrate Judge for further adjudication. *Id.* Objections to the Report were due May 8, 2024, plus three mailing days. *Id.* at 5. No objections or any other filing have been received, and the deadline has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Matthews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

After reviewing the applicable law, the record, and the Report of the Magistrate Judge, the court finds no clear error. Plaintiff failed to file a response to Defendant's motion to dismiss or to file objections to the Report. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference and this matter is dismissed without prejudice for failure to prosecute.<sup>1</sup>

**IT IS SO ORDERED.**

s/Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
Senior United States District Judge

Columbia, South Carolina  
May 22, 2024

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<sup>1</sup> Plaintiff's motion for preliminary injunction (ECF No. 29) is dismissed as moot.